

REMARKS

1. Applicant thanks the Examiner for his findings, conclusions, and for
5 pointing out the allowable subject matter of Claims 19-24.

2. It should be appreciated that Applicant has elected to amend Claims 1, 10,
19, and 25 solely for the purpose of expediting the patent process in a manner
consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00).
10 In making such amendments, Applicant has not and does not in any way narrow
the scope of protection to which the Applicant considers the invention herein
entitled. Rather, Applicant reserves Applicant's right to pursue such protection at
a later point in time and merely seeks to pursue protection for the subject matter
presented in this submission.

15 **Hilton Davis / Festo Statement**

The amendments to Claims 1, 10, and 19 herein were not made for any reason
related to patentability. As for Claims 1 and 25, changes were implemented to
correct typographical errors. Claim 19 was amended to conform with standard
claim drafting practices. The foregoing amendments are not related to the
20 pending rejections; all amendments were made for reasons other than
patentability.

3. The Examiner states that the "Applicant's amendment necessitated the
new ground(s) of rejection presented in this Office action. Accordingly, THIS
25 ACTION IS MADE FINAL, see MPEP § 706.07(a)."

Respectfully, the Applicant disagrees. In the Office Action dated July 8, 2004,
original Claim 28 was found allowable if rewritten in independent form including
all of the limitations of the base claim and any intervening claim. Claim 28
depended from Claim 27, which depended from independent Claim 25.

Accordingly, Claims 27 and 28 were cancelled from the application and were rewritten into Independent Claim 25. According to the Examiner and MPEP procedures, this makes Claim 25 allowable. In the current office action, the Examiner states new grounds of rejection for Claim 25 that are not necessitated by the Applicant. According to MPEP § 706.07(a), any subsequent Office Action on the merits shall be final, except where the examiner introduces a new ground of rejection that is not necessitated by applicant's amendment. Rewriting a claim in independent form on the direction of the Examiner does not necessitate a new grounds of rejection. Accordingly, making the present Office Action final is deemed to be improper. The Applicant earnestly requests that the Examiner amend this error by making the current Office Action non-final.

4. Claims 25-26 and 29-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Huben in view of U.S. patent no. 6,292,795 (hereinafter Peters).

Respectfully, the Applicant disagrees.

First, in the Office Action dated July 8, 2004, original Claim 28 was found allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claim 28 depended from Claim 27, which depended from Independent Claim 25. Accordingly, Claims 27 and 28 were cancelled from the application and were rewritten into independent Claim 25. In the current office action, the Examiner states new grounds of rejection for Claim 25 based upon Peters at column 14, lines 34-40, which, according to the Examiner, is directed at the step of "means to search said directory view by rewriting filters", which is the limitation of Claim 28. However, no mention in the rejection of Claim 25 is made to "a flat directory Information tree", which is the limitation of intervening Claim 27. Each and every limitation of a claim must be considered by the Examiner in the rejection of a claim. MPEP 706.02(j) states that "it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given

a fair opportunity to reply." Here, no opportunity to reply is available as no grounds of rejection have been cited by the Examiner for the claim limitation of a flat directory information tree. Accordingly, the rejection of Claim 25 and all dependents therefrom under 35 U.S.C. § 103(a) as being unpatentable over Van Huben in view of Peters is deemed to be improper.

Second, as described above in reference to Claim 25, the claim limitation of a flat directory information tree has not been addressed in the rejection. As the Applicant is not given a fair opportunity to reply, the Applicant objects to the Office Action being made final and requests that the Examiner make the Office Action non-final.

Third, even if an argument is made by the Examiner that Peters teaches "a flat directory information tree", the rejection is deemed to be moot based upon the following. The Examiner states that Van Huben does not teach means to search the directory views by rewriting filters, instead the Examiner relies on Peters for coverage of this clause. The stated section of Peters at column 14, lines 34-40 describes a data entry operation. Peters describes an insertion and deletion of data items. The only reference to the verb to write is the statement that data are then written back for insertions or deletions of data. Stated again, Peters teaches updating a database by writing over data. Indeed, data filing as opposed to filtering is the point of Peters as illustrated by the first four words of the abstract reading "a computer filing system." In stark contrast, the claimed invention has the claim limitation of means to search said directory views by rewriting filters. A filter is not performing a data transaction to alter a database. Rather, by definition a filter is used to select or pass information. In the claimed invention, the step of rewriting filters is directed at searching a set of directory views, not at updating a data entry. Further, the claimed invention requires the step of means to search said directory views by rewriting filters, which is interpreted based upon the specification under 35 U.S.C. § 112 paragraph 6.

The specification is not directed at data entry, but rather at filters. Still further, the means to search said directory views clause in the claimed invention has no parallel in Peters as Peters describes no means to search, no means operating on directory views, no means for rewriting filters. As Peters does not teach or
5 describe the parsed step, Peters can not teach or describe the entire limitation of means to search said directory views by rewriting filters. Hence, Peters teachings of altering a data entry is not equivalent or suggestive of rewriting a filter, means for searching, rewriting a directory view, or means for searching directory views. Accordingly, the rejection of Claim 25 and all claims dependent
10 therefrom under 35 U.S.C. § 103(a) as being unpatentable over Van Huben in view of Peters is deemed to be improper.

5. Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,484,177 (hereinafter Van Huben).

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As to Claim 1, Applicant respectfully disagrees. Claim 1 was amended in the prior office action to limit, in the step of organizing, information to only information concerning directory entries. The Examiner cites four sections of Van Huben against the organizing clause reading in full "organizing said directory views into
20 a hierarchy using only information concerning said entries". In the current Office Action, the Examiner states that the Applicants response has been fully considered but is not found persuasive. However, in the only section in the Office Action referring to the only limitation of the organizing clause, the examiner states that Van Huben teaches "a method wherein a common logical structure is
25 used to store both the files residing in a file system as well as the directory entries comprising a directory service." Three main points are addressed here.

First, according to the Examiner, Van Huben is describing a structure that can encompass two types of data, files and directory entries. No suggestion is made

in Van Huben that the structure containing the two data types is made using information within the files and directory entries. Stated simply, the claimed invention of creation of a data structure based upon the information within the entries is distinct from Van Huben's data structure having two types of entries.

- 5 Stated again, Van Huben is directed at a structure containing two types of data, while in stark contrast the claimed invention is directed at a method of organizing the directory views based upon information within the data. Accordingly, the rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Van Huben is deemed to be improper.

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Second, the Claim 1 limitation limits the term "information" within the organizing clause to be only information concerning directory entries as amended into Claim 1 in the response filed October 5, 2004. In the Examiner's finding that the arguments of the Applicant are not persuasive in the current Office Action, the

- 15 Applicant is not able to identify any part of the four cited sections of Van Huben that address the limitation of the information to only information concerning directory entries. This clause requires the directory entries to have all information required for the method of organizing directory views. Van Huben merely teaches a data structure that can contain multiple types of information,.

- 20 In stark contrast, the claimed method restricts the method of organizing directory views to using only information concerning the directory entries. As Van Huben does not teach or suggest making the data structure based upon the entire, Van Huben can not suggest organizing directory views using only information concerning said entries". Hence, the claim limitation of only amended into Claim 1 during the previous office action is not addressed within the current office action. Accordingly, the current rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Van Huben is deemed to be improper. Further, since the claim limitation of only is not addressed, the Applicant requests that the current Office Action be made non-
- 30 final.

Third, a directory entry taught by Van Huben is not equivalent of a directory view as required in the claimed invention. In Van Huben a directory entry refers to a piece of data. In stark contrast, in the specification as published at paragraph [0087], a distinct feature of the invention is taught that a directory view looks like any other entry and a directory view hierarchy looks like any other hierarchy. This makes the directory view transparent to the client application and means that no special knowledge of the view is required for its use. Van Huben does not teach or suggest that a directory entry look like any other entry or a hierarchy. Accordingly, the current rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Van Huben is deemed to be improper.

As to Claim 4, the Examiner cites column 11, lines 47-52 and column 12, lines 16-18 of Van Huben as teaching all of Claim 4. The cited section of Van Huben at column 11 refers to communication with the Data Repository via a server, which allows local or global access to the Data Repository. The cited section of Van Huben at column 12 refers to the use of a PVFL paradigm to store data allowing any client to interact with the data. In stark contrast, Claim 4 refers to directory views. A directory view is taught in the specification, at paragraph [0087] of the published specification, at least as a view that looks like any other entry and a hierarchy that looks like any other hierarchy. Van Huben's Data Repository for storage of data does not refer to a hierarchy. Further, Van Huben's data storage does not refer to the look and feel of a hierarchy. Hence, Van Huben does not teach a directory view as taught in the specification. Accordingly, the current rejection of Claim 4 under 35 U.S.C. § 102(e) as being anticipated by Van Huben is deemed to be improper.

As to Claim 6, the Applicant respectfully disagrees. Claim 6 requires a filter not taught by Van Huben. The Examiner cites column 11, lines 23-30 and column

16, lines 20-29 as teaching all of the limitations of Claim 6. The two cited sections are parsed and addressed separately. In the cited section of column 11, Van Huben describes transactions against the Control Repository, which is described in Van Huben as a virtual data repository. Van Huben gives examples of adding, modifying, or deleting information from the Control Repository. Hence, the transactions are modifying the data repository. The cited section of column 16 describes objectclass attributes, such as a part number, model, size, and color. The attributes are modified using transactions as describes in Van Huben. In stark contrast, the claimed invention requires a filter. By definition, a filter is not performing a transaction and is not altering a database. Rather, by definition a filter is used to select or pass information. In the claimed invention, the filter limits the input stream to selected directory views. The cited material of Van Huben is directed at altering a database, the Control Repository, using a transaction while the claimed invention filters directory views. Van Huben fails to teach or describe any of a filter, directory views, or the action of the filter on the directory views. Accordingly, the rejection of Claim 6 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Van Huben is deemed to be improper.

As to Claim 7, the Applicant respectfully disagrees. The examiner cites Van Huben column 16, lines 30-31 reading "it may optionally contain the msrp attribute" as teaching or describing all of the limitations of Claim 7 that describes the filter attribute as being "omitted from said views to facilitate a hierarchical directory structure." Respectfully, connecting the two is difficult. Van Huben is directed toward a description of containing an attribute, which is in stark contrast to omitting from a view. Containing is by definition distinct from omitting and an attribute is an element not a view. Further, the cited section of Van Huben does not address the claim element of a hierarchical directory structure. Accordingly, the rejection of Claim 7 under 35 U.S.C. § 102(e) as being anticipated by Van Huben is deemed to be improper.

6. Claims 10-14 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Huben in view of U.S. publication no. 2002/0169767 (hereinafter Harvey).

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As to Claim 10, to distinguish the claimed invention from the recited reference more thoroughly, Applicant amends Claim 10 by further characterizing said step of rewriting to use a sub-filter, wherein said sub-filter collects filters from the view and all ancestor views of the view. Support for the amendment is found at least
10 in Claim 19 of the application as filed. In view of the amendment to Claim 10, the rejection under 35 U.S.C. § 103(a) of Claim 10 and all claims dependent therefrom as being unpatentable over Van Huben in view of Harvey is deemed to be overcome.

15 7. Claim 19 is amended, as a result of amendment of Claim 10, to comply with standard claim drafting practices.

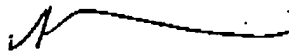
8. Claims 1 and 25 are amended to correct typographical errors.

20 9. The specification is amended at paragraph [0087] of the published application to correct grammatical errors.

CONCLUSION

In view of the above, the Application is deemed to be in allowable condition. Applicant therefore earnestly requests the Examiner to withdraw all rejections and objections, permitting the Application to pass to issue as a United States Patent. Should the Examiner have any questions concerning the Application, he is urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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